

ADDITIONAL FEE:

Please charge any insufficiency of fee, or credit any excess, to Deposit Account No. 50-0427.

R E M A R K S

The Office Action issued May 29, 2003 has been received and its contents have been carefully considered.

Applicant has amended claim 1 to more clearly distinguish the present invention from the cited prior art and to render this claim more clear and definite as required by 35 USC §112.

In particular, applicant has amended steps (a) and (b) to delete reference to "sale" and "selling" since it is not necessary for money to change hands (as is implied by these terms) to play the game according to the invention.

Furthermore, step (a) has been amended to recite "a limited set of trading cards" (specification page 14, lines 1-19 and page 19, lines 13-21). By limiting the number of cards available for play, the game becomes more interesting because each player (like a team manager) must work with the limited set of players that are available to play on his/her team. Furthermore, by limiting the number of trading cards

in a set, the trading cards become more valuable simply by virtue of their scarcity.

In step (c), claim 1 was amended to make clear that the registration of cards (e.g., team players) with a game service provider entails supplying their respective alphanumeric identifiers to the game provider. Otherwise, there would be no reason to set forth in step (a) that each card in a set has "a unique identifier of alphanumeric characters" associated therewith.

All of the claims of this application stand rejected under 35 USC §102(a) as being "clearly anticipated" by the published U.S. Patent Application No. US2003/0054885 A1. This rejection is respectfully traversed because, upon close examination, it is apparent that Pinto et al. fails to teach or suggest steps (a) and (b) of applicants' claim 1, as amended.

Pinto et al. disclose a system for playing a "virtual sport game" by fielding a "personalized fantasy sports team" of players which, like the player's in applicants' game, may correspond to actual players in the real world of sports. Statistical information regarding each player is stored on a so-called "electronic trading card" for that player. During

the game, updated statistics for each player on a team may be received and utilized during the course of the game.

However, unlike the game of the present invention, which utilizes a limited set of trading cards, there is no limitation on the number of times that a particular sports hero -- Roger Clemens, for example -- may be fielded in play. In Pinto et al., any community member may request any player he chooses to join his team, notwithstanding the fact that any other community member may also request the services of this same player.

This situation leads to the possibility that any number of members of a community may field an "all-star team" with the exact same line-up. As a result, these teams would be exactly evenly matched, and would not allow for interesting "trading" of players between the community members.

In addition, Pinto et al. does not distinguish between the electronic trading cards themselves and the grant of "game playing rights" as recited in step (b) in applicants' claim 1. Rather, Pinto et al. use the "electronic trading card" as simply a means to disseminate information about a player. The card itself has no intrinsic value, scarcity value or otherwise.

Claims 1-20 stand rejected as being either anticipated or obvious over Mero et al., taken in conjunction with the patents to Pierson et al., Fernandez and Peppel. These rejections are also respectfully traversed because Mero et al. fails to teach or suggest applicants' method steps (d) and (e) in claim 1.

Mero et al. discloses a role playing board game for a plurality of players which comprises (1) a plurality of class game boards and a single final game board; (2) a random number generating device such as a dice and (3) a plurality of game cards. At the beginning, a series of class games are played on the class game boards to determine class winners, and then a final game is played on the final game board in which the winners unite to battle against a final opponent. Since the game itself has no basis at all in reality, there can be no "current information about each game related feature in play", as recited in applicants' claim 1, step (d) nor consequently, "advancing the status of the game... in accordance with the current information..." (claim 1, step (e)).

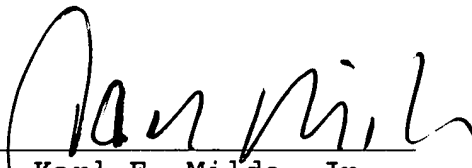
A typical game card for the game of Mero et al. is shown in Figs. 13 and 14 of the patent (front and back of the card, respectfully). As may be seen at a glance, these cards have nothing to do with real world sports figures.

In the rejection of claims 10, 11, 15 and 16, the Examiner has combined the patents to Pierson et al., Fernandez and Pepple with Mero et al. These three patents do disclose advanced concepts in uses of sports trading cards; however, none of these patents, taken individually or in combination with Mero et al., teach or suggest the concept of registering trading cards with a game service provider to place selected ones of the cards "in play"; determining current information about a "game related feature" (e.g.; sports figure) designated by the card; advancing the status of the game in accordance with the current information about such game related features and then changing selected ones of the cards in an attempt to improve the chances of winning the game.

Accordingly, applicants' claim 1 is believed to distinguish patentably over all of the references or record. Since claims 2-20 all depend directly or indirectly from claim 1, this application is believed to be in condition for

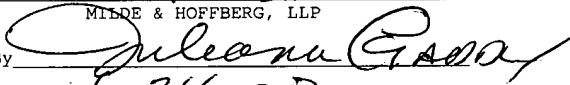
immediate allowance. A formal Notice of Allowance is accordingly respectfully solicited.

Respectfully submitted,

By 
Karl F. Milde, Jr.
Reg. No. 24,822

MILDE & HOFFBERG, LLP
10 Bank Street - Suite 460
White Plains, NY 10606
914-949-3100

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

6-24-03
MILDE & HOFFBERG, LLP
By 
Date 6-24-03